



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	27376-CDRP	Decision date: July 30, 2026
Domain Name:	agatlabs.ca	
Panel:	R. John Rogers	
Complainant:	AGAT Laboratories Ltd.	
Registrant:	Akshay Anand	

1. OVERVIEW

The Complaint

The Canadian International Dispute Resolution Centre ("CIIDRC") is a recognized service provider pursuant to the Domain Name Dispute Resolution Policy (the "Policy") and Rules (the "Rules") of the Canadian Internet Registration Authority ("CIRA").

On June 26, 2026, the Complainant filed a complaint (the "Complaint") with CIIDRC. In the Complaint, the Complainant sought an order in accordance with the Policy and the Rules directing that the registration of the domain name <agatlabs.ca> (the "Domain Name") be transferred to the Complainant.

CIIDRC determined the Complaint to be in administrative compliance with the requirements of the Policy and the Rules and, pursuant to Rule 4.4, notified the Registrant of the Complaint on July 3, 2026. This notification advised the Registrant that in accordance with Rule 5.1 he had until July 23, 2026 to file his response to the Complaint.

The Registrant failed to file the requisite response by this deadline and when notified of this fact the Complainant elected for a panel consisting of a single-member.

By way of an emailed letter dated July 28, 2026, the undersigned was selected as the Single Member Panel (the "Panel") to determine this matter. The undersigned has confirmed to CIIDRC that he can act impartially and independently as the Panel in this matter.

The undersigned determines that he has been properly appointed and constituted as the Panel to determine the Complaint in accordance with the Rules.

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2. FACTS ALLEGED BY THE PARTIES

2.1 The Complainant

The facts alleged by the Complainant in the Complaint might be summarized as follows:

1. The Complainant is a North American leader in laboratory testing and scientific solutions, providing specialized expertise across multiple industries, including environmental, energy, mining, life sciences, food, and transportation with a commitment to quality, innovation and service excellence to ensure that its clients receive trusted insights to make informed decisions.
2. With locations across Canada, the Complainant recently expanded into Arizona.
3. The Complainant's trademark "AGATLabs" ("Trademark") has been used in Canada since January 1, 1982 and was registered as a trademark on December 13, 2013.
4. The Trademark is included in the Complainant's domain name <agatlabs.com>, which domain name resolves to the Complainant's website.
5. The Domain Name was registered on June 21, 2026.

2.2 The Registrant

As above referenced, the Registrant has not filed a Response.

3. CONTENTIONS OF THE PARTIES

3.1 The Complainant

The Complainant submits that the Registrant by using Domain Name is:

- Impersonating the Complainant and using the Complainant's company name, branding and logo without authorization to conduct employment scams targeting job applicants, and
- Posing as the Complainant's Human Resources Director and other employees and through the use of the Domain Name conducting fraudulent interviews through Microsoft Teams and sending fake employment offers from the email address careers@agatlabs.ca ("Fake Email Address") in an attempt to deceive job applicants.,

In carrying on these activities, the Complainant submits, the Respondent is causing reputational damage to the Complainant's organization and placing job seekers interested in working for the Complainant at significant risk of identity theft and financial fraud if they respond to the Fake Email Address.

In support of this allegation, the Complainant submitted a copy of the fraudulent employment offer ("Fraudulent Offer") sent to one of the victims and an email thread from the victim showing the fraudulent communication.

The Complainant noted the following particulars in the Fraudulent Offer:

- It claims to be from the Human Resources Director of the Complainant,
- It references the management of the Complainant and claims that the Complainant's management is "convinced you are qualified" for the referenced position with the Complainant, and
- It attaches a copy of the Complainant's form of employment contract which is emblazoned with the Trademark, in which the victim is named as a party, and which purportedly contains the signature of the Chief Executive Officer of the Complainant.

3.2 The Registrant

As noted, the Registrant has not filed a Response.

3.3 The Remedy Sought

The Complainant requests the Domain Name be transferred to it.

4. DISCUSSION AND FINDINGS

4.1 Eligibility

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Paragraph 1.4 of the Policy requires that in order to initiate the Complaint, the Complainant, at the time of the initiation of the Complaint, must satisfy the Canadian Presence Requirements for Registrants v 1.3 ("Canadian Presence Requirements").

Paragraph 2(4) of the Canadian Presence Requirements provides that if a complainant is a corporation incorporated under the laws of Canada or any province or territory of Canada it has satisfied the Canadian Presence Requirements. The Complainant as a Canadian corporation therefore has met this requirement.

4.2 The Policy

The purpose of the Policy, as stated in Paragraph 1.1 of the Policy, is to provide a forum in which cases of bad faith registration of .ca domain names can be dealt with relatively inexpensively and quickly.

Paragraph 4.1 of the Policy puts the onus on the Complainant to demonstrate this "bad faith registration" by proving on a balance of probabilities that:

1. The Mark qualifies as a "Mark" as defined in Paragraph 3.2 of the Policy,
2. the Complainant had "Rights" in the Mark prior to the date of registration of the Domain Name and continues to have "Rights" in the Mark,
3. the Domain Name is "Confusingly Similar" to the Mark as the concept of "Confusingly Similar" is defined in Paragraph 3.3 of the Policy,
4. The Registrant does not have a "legitimate interest" in the Domain Name as the concept of "legitimate interest" is defined in Paragraph 3.4 of the Policy, and
5. the Registrant has registered the Domain Name in "bad faith" in accordance with the definition of "bad faith" contained in Paragraph 3.5 of the Policy.

If the Complainant is unable to satisfy this onus, bad faith registration is not demonstrated, and the Complaint fails.

4.3 That the Domain Name is Confusingly Similar to a Mark in which the Complainant has Rights

Mark

In the matter at hand, the relevant portions of Paragraph 3.2 of the Policy states that for the purpose of the Policy a "Mark" is:

- (a) trademark, including the word elements of a design mark, or a trade name that has been used in Canada by a person, or the person's predecessor in title, for the purpose of distinguishing the wares, services or business of that person or predecessor or a licensor of that person or predecessor from the wares, services or business of another person;

The Panel finds that the Complainant has established that the Trademark serves to qualify it as a "Mark" for the purposes of Paragraph 3.2(a) of the Policy.

Rights

Paragraph 3.1 of the Policy requires that the Complainant has "Rights" in the Mark. Unfortunately, the term "Rights" is not defined in the Policy.

The Panel finds that there is clear evidence before the Panel of the Complainant's ownership and use in Canada of the Mark in carrying on business in Canada, and the Panel, therefore, finds that the Complainant has "Rights" in the Mark for the purpose of Paragraph 3.1 of the Policy.

Confusingly Similar

The Policy in Paragraph 3.3 provides that the Domain Name will be found to be "Confusingly Similar" to the Mark only if the Domain Name so nearly resembles the Mark in appearance, sound or the ideas suggested by the Mark as likely to be mistaken for the Mark.

As Paragraph 1.2 of the Policy defines the Domain Name for the purpose of this proceeding to exclude the .ca suffix, the portion of the Domain Name consisting of “agatlabs” is the portion of the Domain Name relevant for consideration.

The test to be applied when considering confusing similarity is one of first impression and imperfect recollection. Will a person as a matter of first impression, knowing only the Mark, and having imperfect recollection of the Mark, likely mistake the Domain Name for the Mark based upon the appearance, sound or the idea suggested by the Mark?

The Panel notes that in the evidence before it with respect to the Fake Email Address and the Fraudulent Offer, there is clear evidence that the victim was convinced that she was dealing with the Complainant and not the Respondent and the Panel therefore finds that the Complainant has met the onus placed upon it by Paragraph 3.3 of the Policy and has demonstrated that the Domain Name so nearly resembles the Mark in appearance, sound or the ideas suggested by the Mark as to be likely to be mistaken for the Mark.

4.4 The Registrant Has No Legitimate Interest in the Domain Name

Paragraph 4.1 of the Policy requires that to succeed in the Complaint, the Complainant must provide some evidence that the Registrant has no legitimate interest in the Domain Name as the concept of “legitimate interest” is provided for in Paragraph 3.4 of the Policy.

Paragraph 3.4 of the Policy provides that a registrant will have a legitimate interest in a domain name if:

- a) the domain name was a Mark, the registrant used the Mark in good faith and the registrant had Rights in the Mark;
- b) the registrant used the domain name in Canada in good faith in association with any wares, services or business and the domain name was clearly descriptive in Canada in the English or French language of:
 - (i) the character or quality of the wares, services or business;
 - (ii) the conditions of, or the persons employed in, production of the wares, performance of the services or operation of the business; or
 - (iii) the place of origin of the wares, services or business;
- c) the registrant used the domain name in Canada in good faith in association with any wares, services or business and the domain name was understood in Canada to be the generic name thereof in any language;
- d) the registrant used the domain name in Canada in good faith in association with a non-commercial activity including, without limitation, criticism, review or news reporting;
- e) the domain name comprised the legal name of the registrant or was a name, surname or other reference by which the registrant was commonly identified; or
- f) the domain name was the geographical name of the location of the registrant’s non-commercial activity or place of business.

In Paragraph 3.4(d) “use” by the Registrants includes, but is not limited to, use to identify a website.

It is to be noted that with respect to the matter at hand, in Paragraphs 3.4(a), (b), (c), and (d), there is a requirement that the Registrant act “in good faith”. There is no evidence before the Panel that the Registrant used the Domain Name in good faith. Rather, as noted above, there is a strong suggestion in the evidence before the Panel that the Registrant uses the Domain Name for the purpose of trading off the goodwill of the Complainant and the Mark by attempting to convince the victim that she was dealing with the Complainant.

Therefore, the provisions of these paragraphs do not apply.

The Registrant’s name is not included in the Domain Name, nor does the Domain Name include a geographical reference to the location of the Registrant’s non-commercial activity or place of business. Therefore, the provisions of Paragraph 3.4(e) and Paragraph 3.4(f) do not apply.

The Panel finds that the Complainant has provided some evidence that the Registrant has no legitimate interest in the Domain Name.

4.5 That the Registrant Has Registered the Domain Name in Bad Faith

Under Paragraph 3.5 of the Policy, the Registrant will be considered to have registered or acquired the Domain Name in bad faith if, and only if, the Complainant can demonstrate that the Registrant in effecting the registration of the Domain Name was motivated by any one of the four general intentions set out in Paragraph 3.5.

Of these four intentions, the form of intention contained in Paragraph 3.5(d) is the one which appears to be the most applicable to the matter at hand.

Paragraph 3.5(d) provides as follows:

- (d) the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

The Panel finds that the unrefuted evidence before it clearly demonstrates that the Registrant intentionally attempted to attract for commercial gain internet users to the Registrant by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation or endorsement of the Registrant's Website.

Based upon the clear evidence before it, the Panel finds that the Registrant registered the Domain Name in bad faith.

5. DECISION and ORDER

Decision and Order on the Domain Name

For the above reasons, in accordance with Paragraph 4 of the Policy and Paragraph 12 of the Rules, the Panel orders that the domain name, <agatlabs.ca> be transferred to the Complainant.

Made as of July 30, 2026

SIGNATURE OF PANEL



R. John Rogers

